MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1394 OF 2007

Vasant Maruti Palkar ..Petitioner

Versus

The State of Maharashtra & Ors..Respondents

Mr. Shirish Lad i/b. V.S. Legal Associates for the Petitioner.
Mrs. M.P. Thakur AGP for respondents

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 20TH MARCH, 2007.

P.C.

. The petitioner claims to have purchased the property which was allotted to one Shivling Society. There is no sale deed on record. According to the petitioner he had purchased from one Shivaji Katkar, since deceased, who had handed over possession and on which he has put up construction.

2. The case of the petitioner is that the respondent No.3 is seeking to evict the petitioner. Learned Counsel relies on order dated 5th September, 2003. That is an order at Exh.5 in a suit filed by one Netaji S. Katkar, who, the petitioner contends, is the brother of the deceased Shivaji Katkar. The order of 19th July, 2006 is an order conveying the land in favour of the Chief Executive Officer. Considering the disputed questions of fact this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. It will be open to the petitioner to take out

such legal proceedings including by way of suit to ventilate his grievance. With the above observation, Writ Petition disposed of.

(**F.I.REBELLO**, J)

(**R.M.SAVANT,J.**)